



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/864,593

05/24/2001

Tommi Linnakangas

032986-016

2126

27045

7590

09/12/2006

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/864,593

Applicant(s)

LINNAKANGAS ET AL.

Examiner

Thanhnga B. Truong

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 8 and 10-14.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:
Applicant's arguments filed on August 23, 2006 have been fully considered but they are not persuasive.

The Applicant argues that:

Ylonen does not disclose coupling the Security Procedure modules wherein IP packets may be forwarded between the security procedure modules.

If the proposed amendment is entered, claims 8 and 14 would have been rejected as being unpatentable over Ylonen and Nikander, wherein as shown in Figure 4 of Ylonen, a slightly more detailed view of a transmitting device 401, a receiving device 402 and two-way communication connection 403 between them. Both the transmitting device 401 and the receiving device 402 have an automatic key manager block 404 and an IPSEC block 405 that communicate with a security policy database 406. We may keep the previously made assumption that the automatic key manager blocks 404 apply the IKE protocol for setting up the security association. Furthermore, once the negotiation between the automatic key managers 404 is complete and the new security association is set up, both the transmitting device and the receiving device enter the information describing the security association into their security policy database. The stored information is then used for the processing of individual packets (column 7, lines 18-51 of Ylonen). Thus, Ylonen does perform this function in Figure 4. Although Ylonen is silent on the capability of a security controller (i.e., IPSEC engine) in Figures 3 and 4, the negotiation process that Ylonen has mentioned in these two Figures should at least include a controller included in the communication in order to establish an entire IP Security Association.

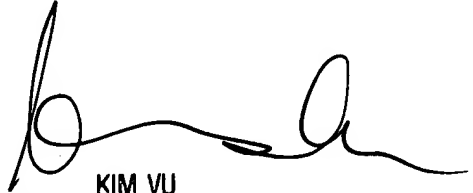
However, Nikander teaches:

Referring to Figure 3, the IPSEC engine must deal with security association creation and expiration and consult external key managers. In the invention, compiled filter code forms the core of the control logic of an IPSEC engine. The filter code controls the processing of incoming and outgoing packets, controls the application of transforms applied to data packets, and makes policy decisions about packets to be dropped or passed without applying transforms. The filter code communicates with a separate policy manager that makes the actual policy decisions and generates new compiled filter code according to need. The need for new compiled filter code potentially arises each time when the IPSEC engine receives a packet that it can not handle according to the existing compiled filter code. The policy manager then implements the policy for the packet causing the "trouble" and for similar future packets (column 4, lines 38-53 of Nikander). Thus, the combination of teaching between Ylonen and Nikander teaches the claimed subject matter.

Examiner still doesn't see the distinction between the claimed invention and the art of record. Looking at applicant's arguments, it appears applicant is arguing the security procedure modules (IKE modules) are coupled together in order to forward packets of information to each other.

For the above reasons, it is believed that the rejections should be sustained.

TBT



KIM VU
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100